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Patent
Case No.: 56777US002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: BERQUIST, DAVID T.
Application No.: 09/876432 Group Art Unit: 2876
Filed: June 7, 2001 Examiner: Kumiko C. Koyama
Title: RFID DATA COLLECTION AND USE

RESPONSE UNDER 37 CFR § 1.111
AND PETITION FOR THREE MONTH EXTENSION OF TIME UNDER 37 CFR § 1.136(A)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION	
To Fax No.: 703-872-9306	
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on:	
<i>August 27, 2004</i> Date	<i>Melissa E. Bush</i> Signed by: Melissa E. Bush

Dear Sir:

This is in response to the outstanding Office Action, mailed February 27, 2004, in the above-identified application.

This Amendment is believed timely submitted as extended by the petition for a three (3) month extension of time submitted below. With a three (3) month extension of time, the deadline for replying to the Office Action is extended from May 27, 2004 to August 27, 2004.

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Applicants respectfully request the rejection of claims 1-7 under 35 U.S.C. § 103(a) over Garber et al. in view of Markman and Harrison be withdrawn.

Dependent Claims 2-7, 9-17 and 19-24: Lastly, Applicants point out that the Examiner did not include any discussion in the Office Action regarding any of the dependent claims, claims 2-7, 9-17 and 19-24. The Office Action discussion was solely focused on only the independent claims. Therefore, there is no support for the obviousness rejection against claims 2-7, 9-17 and 19-24, which is insufficient under the current law. Therefore, the rejection against claims 2-7, 9-17 and 19-24 is unsupported by art and should be withdrawn.

Withdrawal of the outstanding rejection and allowance of the pending claims is respectfully requested. If a telephonic conference would be helpful in resolving any outstanding matters in the present application, the Examiner is encouraged to contact applicants' undersigned representative.

Respectfully submitted,

August 27, 2004
Date

By: Melissa E. Buss
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Office of Intellectual Property Counsel
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